

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK SMITH,

Defendant.

)
)
)
)
)
)
)
)
)

CASE NO. 8:05CR237

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 57) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 36). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence seized as the result of a March 31, 2005, traffic stop. Judge Gossett determined: as a passenger in the vehicle in question, the Defendant has standing to contest the stop, detention and search; the detention was supported by reasonable suspicion; and the Defendant abandoned any interest he may have had in the vehicle when he fled the scene.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 38, 39, 47, 52) and the transcript (Filing No. 44). The Court has also viewed the evidence. (Filing No. 41) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 57) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 36) is denied.

DATED this 5th day of December, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge